

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Jan 22, 2025**

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE LUIS MUNIZ,

Defendant.

No. 4:17-CR-06014-SAB-2

**ORDER GRANTING MOTION  
FOR SENTENCE REDUCTION**

**\*U.S. MARSHALS SERVICE  
ACTION REQUIRED\*\***

Before the Court is the Defendant's Motion for Compassionate Release Pursuant to 18 U.S.C. § 3582(c)(1), ECF No. 614. Defendant is represented by Nicholas Marchi. The United States is represented by Ian Garriques, Richard Barker, and Stephanie Van Marter. The motion was considered without oral argument.

On November 7, 2018, Defendant pled guilty to Conspiracy to Distribute 500 grams or more of a Mixture or Substance Containing a Detectable Amount of Methamphetamine and 5 kilograms of Cocaine in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A), and 846. On July 22, 2019, he was sentenced to 135 months imprisonment and 5 years supervised release. On February 15, 2024, the Court granted Defendant's Motion for Sentence Reduction under Amendment 821 for zero-point offenders, reducing his sentence to 108 months. ECF No. 599.

**ORDER GRANTING MOTION FOR SENTENCE REDUCTION ~ 1**

1 Defendant's projected release date from his Residential Reentry Management  
2 facility in Seattle is March 11, 2026. *See* BOP Inmate Finder,  
3 <https://www.bop.gov/inmateloc> (last visited January 17, 2025).

4 Defendant asks the Court to reduce his sentence of incarceration to time-  
5 served. Defendant asserts he is the sole available caregiver for his ailing wife and  
6 their six children, and due to her deteriorating condition and the recovery of one of  
7 his children from Leukemia, he is needed to care for them.

8 After reviewing the caselaw, § 3553(a) factors and basis for release outlined  
9 in § 3582, the briefs, and the provided medical records, the Court **grants** the  
10 motion for compassionate release.

### 11 MOTION STANDARD

12 Generally, a court may not modify a term of imprisonment once it has been  
13 imposed. 18 U.S.C. § 3582(c); *see also* *Dillon v. United States*, 560 U.S. 817, 824  
14 (2010) (“A judgment of conviction that includes a sentence of imprisonment  
15 constitutes a final judgment and may not be modified by a district court except in  
16 limited circumstances.”) (internal alterations omitted). Compassionate release,  
17 however, provides an exception to this general rule in extraordinary cases. *See* 18  
18 U.S.C. § 3582(c)(1)(A). Prior to the enactment of the First Step Act in December  
19 2018, only the Bureau of Prisons (BOP) could raise the issue of compassionate  
20 release. The First Step Act modified 18 U.S.C. § 3582(c)(1)(A), however, with the  
21 intent of “increasing the use and transparency of compassionate release.” Pub. L.  
22 No. 115–391, 132 Stat. 5194, at 5239. Section 3582(c)(1)(A) now allows a federal  
23 prisoner to seek compassionate release after exhausting all administrative remedies  
24 with the BOP.<sup>1</sup>

25 Section 3582(c)(1)(A) permits a court to reduce the term of imprisonment  
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27 <sup>1</sup> Defendant submitted a request to the Warden of FCI-Herlong on June 14, 2021,  
28 which was denied on July 13, 2021.

1 after considering the factors set forth in § 3553(a), if it finds that “extraordinary  
2 and compelling reasons warrant such a reduction” and “that such a reduction is  
3 consistent with applicable policy statements issued by the Sentencing  
4 Commission.” 18 U.S.C. § 3582(c)(1)(A). The purpose of compassionate release is  
5 to provide a “safety valve with respect to situations in which a defendant’s  
6 circumstances had changed such at the length of continued incarceration no longer  
7 remained equitable.” *United States v. Chen*, 48 F.4th 1092, 1098–99 (9th Cir.  
8 2022).

9 Further, the Ninth Circuit has instructed that in deciding whether to grant a  
10 defendant’s motion for compassionate release under 18 U.S.C. § 3582(c)(1)(A)(i),  
11 district courts must consider (1) whether extraordinary and compelling reasons  
12 warrant such a reduction; and (2) the sentencing factors set forth in 3553(a) to the  
13 extent they are applicable. *United States v. Keller*, 2 F.4th 1278, 1283–84 (9th Cir.  
14 2021). Each step of this analysis qualifies as an independent ground to deny a  
15 motion for compassionate release. *United States v. Wright*, 46 F.4th 938, 947 (9th  
16 Cir. 2022). Defendant bears the burden of “establish[ing] his eligibility for  
17 compassionate release.” *Id.* at 951.

18 Congress has not provided a statutory definition of “extraordinary and  
19 compelling reasons.” *United States v. Aruda*, 993 F.3d 797, 800 (9th Cir. 2021)  
20 (per curiam).<sup>2</sup> In November 2023, the United States Sentencing Commission  
21 updated § 3582 to further define what qualifies as “extraordinary and compelling  
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23 <sup>2</sup> Instead, Congress instructed the United States Sentencing Commission that “in  
24 promulgating general policy statements regarding the sentencing modification  
25 provisions in § 3582(c)(1)(A) of title 18, [it] shall describe what should be  
26 considered extraordinary and compelling reasons for sentence reduction, including  
27 the criteria to be applied and a list of specific examples.” *Aruda*, 993 F.3d at 800  
28 (citing 28 U.S.C. §§ 944(t); 944(a)(2)(C)).

1 reasons” for compassionate release. U.S.S.G. § 1B1.13 (last amended Nov. 1,  
2 2023). It identified six circumstances that may reach the standard: (1) medical  
3 circumstances; (2) age; (3) family circumstances; (4) whether the defendant  
4 experienced abuse in custody; (5) alternate but similar reasons to 1–4; and (6) an  
5 unusually long sentence. However, the amendment is still informative and not  
6 binding for the district court. *Aruda*, 993 F.3d at 802.

### 7 ANALYSIS

8 To decide Defendant’s compassionate release request, the Court must  
9 consider the sentencing factors set forth in 18 U.S.C. § 3553(a). These factors  
10 include the nature and circumstances of the offense, the history and characteristics  
11 of the defendant, and the need for the sentence imposed “(A) to reflect the  
12 seriousness of the offense, to promote respect for the law, and to provide just  
13 punishment for the offense; (B) to afford adequate deterrence to criminal conduct;  
14 (C) to protect the public from further crimes by the defendant; and (D) to provide  
15 the defendant with needed educational and vocational training, medical care, and  
16 other correctional treatment in the most effective manner.” 18 U.S.C. § 3553(a)(2).  
17 The Court must impose a sentence that is sufficient, but not greater than necessary  
18 to reflect the seriousness of the offense, promote respect for the law, provide just  
19 punishment, afford adequate deterrence, and protect the public. *United States v.*  
20 *Lizarraras-Chacon*, 14 F.4th 961, 966 (9th Cir. 2021) (citation omitted).

21 Defendant participated knowingly in a conspiracy to distribute  
22 methamphetamine and cocaine as a part of the Bueno-Martinez drug trafficking  
23 organization. He dispatched associates to store, transport, and deliver narcotics and  
24 bulk U.S. currency. He was a logistical coordinator for the organization.

25 Based on Defendant’s acceptance of responsibility reduction, the USSG  
26 calculations resulted in a Total Offense Level of 33 and Criminal History  
27 Level I, with the resulting range of 135 – 168 months. The amount of drugs  
28 also triggered the 120-month mandatory minimum sentence, but Defendant

1 qualified for the Safety Valve.

2 Pursuant to the parties' plea agreement, the United States agreed to  
3 recommend a sentence at the low end of the guideline range, allowing  
4 Defendant to argue for any legal sentence. The plea agreement also did not  
5 seek an aggravating role element for Defendant being an organizer and leader.  
6 The Court accepted the plea agreement and sentenced Defendant to 135  
7 months, with credit for time served, and 5 years supervised release. That was  
8 later reduced to 108 months under Amendment 821.

9 A review of Defendant's criminal history shows convictions for minor  
10 crimes with no prison time served. His Criminal History Category of I does  
11 not lead to concern for recidivism.

12 In reviewing the Section 3553(a) factors, Defendant's Motion, and  
13 Defendant's family medical records, the Court finds that Defendant **is entitled**  
14 to a sentence reduction. The time Defendant has served is sufficient to reflect  
15 the seriousness of his underlying offense, provide just punishment, and afford  
16 adequate deterrence to criminal conduct.

17 The Court considered whether Defendant's motion presented  
18 "extraordinary and compelling" circumstances under 18 U.S.C. §  
19 3582(c)(1)(A)(i). Defendant identifies as his reasons for seeking relief the  
20 severe deteriorating medical condition of his wife; that one of his children is in  
21 remission from Leukemia, setting them back in school and requiring  
22 assistance; and that the family members that could care for his family have  
23 other care obligations. The Court finds the family medical conditions and  
24 circumstances listed in Defendant's motion rise to the level of "extraordinary  
25 and compelling."

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Accordingly, **IT IS HEREBY ORDERED:**

1. Defendant's Motion for Compassionate Release Pursuant to 18 U.S.C. § 3582(c)(1), ECF No. 614, is **GRANTED**.

2. Defendant's previously imposed sentence of imprisonment of 108 months is **reduced to time served**.

3. Counsel shall advise Defendant on his requirements for supervised release and reporting to U.S. Probation.

4. The United States Marshals Service is **directed** to release Defendant forthwith.

**IT IS SO ORDERED.** The District Court Executive is hereby directed to file this Order and provide copies to counsel, **U.S. Probation**, and the **U.S. Marshals Service**.

**DATED** this 22nd day of January 2025.



*Stanley A. Bastian*

Stanley A. Bastian  
Chief United States District Judge